

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES of AMERICA	:	<u>O R D E R</u>
	:	
v.	:	Case No. 2:10cr572-1(DMC)
Phil A. Simon	:	

This matter having come before the Court on an affidavit by Phil A. Simon, defendant Pro Se, challenging the jurisdiction of this court to preside over the Indictment in this case;

WHEREAS the defendant was arrested on August 5, 2008, and had his Initial appearance in front of US Magistrate Judge Salas on the same date, and was released on bond after waiving preliminary hearing; and

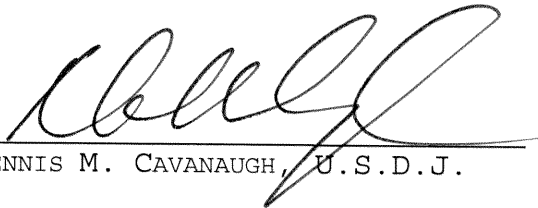
WHEREAS defendant consented to 6 continuances before relieving retained counsel Donna Newman, and being assigned current counsel Olubukola Adetula, Esq., who entered into an additional continuance before Indictment was filed on August 24, 2010; and

WHEREAS after indictment was filed, the court scheduled the arraignment to take place on September 14, 2010, and defense counsel was granted an adjournment until October 4, 2010 due to conflict in schedule; and

WHEREAS defendant having retracted his plea of Not Guilty entered on October 4, 2010 and plead Guilty to count 1 of Indictment on January 18, 2011 without once raising the issue of jurisdiction; and

For good cause shown;

It is on this 14th day of February 2012
ORDERED that the defendant's Pro Se affidavit challenging this court's jurisdiction before sentencing, in the form of a Pro Se affidavit and not a formal motion, is DENIED.



DENNIS M. CAVANAUGH, U.S.D.J.